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1.	Attention: Examiner: D. Zirker Group 1771	Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	703-872-9310	

OFFICIAL

Total number of pages including this page: 6

COMMENTS

Re: U.S. Patent Application of G. BLOCH
Serial No. 09/820,562, Filed: March 29, 2001
For: PRESSURE-SENSITIVE PAPER-PLASTIC
FILM LAMINATE TAPE

Please see attached Request For Continued Examination, Letter and Petition for Extension of Time. Kindly confirm receipt of this fax by return facsimile.

Allan Fanucci

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (p) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/820,562
Filing Date	March 29, 2001
First Named Inventor	Gilbert BLOCH
Group Art Unit	1771
Examiner Name	D. Zirker
Attorney Docket Number	82017-3700

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s) reply under 37 C.F.R. § 1.116 previously filed on September 5, 2003
(Any unsubmitted amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☒ Other: Consider the Rule 132 declaration previously filed on September 5, 2003
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other: Extension of Time for Responding, Letter commenting on Advisory Action

Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(j) required.)
- b. Other: _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(a) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 501-814
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee if required and not otherwise submitted (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other: _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name: Allan A. Fanucci, Reg. No. 30,256

Signature: 

Date: October 17, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: G. BLOCH et al

Confirmation no. 4962

Application No 09/820,562

Group Art Unit: 1771

Filed: March 29, 2001

Examiner: D Zirker

For PRESSURE-SENSITIVE PAPER-
PLASTIC FILM LAMINATE TAPE

Attorney Docket No 82017-3700

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LETTER

OFFICIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the advisory action dated October 7, 2003, applicants are filing a Request for Continued Prosecution application so that their amendment and rule 132 declaration filed September 5, 2003 will be entered to place the application in condition for allowance.

In addition, the following comments are presented in response to the Examiner's remarks in paragraph 2 of the NOTE attached to the advisory action. The Examiner appears to ignore claim language in an attempt to justify the validity of the rejections made in the final office action. The present claims recite that the laminate includes "a water-impermeable oriented plastic film layer having a first corona-discharge treated surface, wherein the first corona-discharge treated surface is adhesively cold laminated to the paper layer" The corona-

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Allan A. Fanucci (Reg No. 30,256)

discharge treated surface is a product recitation. It is achieved by the application of energy, such as a corona discharge, to the surface of the plastic film to increase its energy and dynes so that the surface will accept and receive adhesives and bond to others substrates. As the skilled artisan knows that such surface treatments dissipate over time, the condition of the film surface must be treated as noted when adhesively cold laminated to the paper layer. A plastic surface that is not energized such as by the claimed corona discharge treatment cannot be bonded to other substrates with confidence, with poor bonding occurring occasionally or often, depending upon the surface condition of the film.

The product-by-process features of the presently claimed laminate are further disclosed by applicant's explanation of the cold lamination process and by the Rule 132 declaration of Dr. Finestone. These clearly set forth the conditions for obtaining the current components of the laminate and both the record and the claims are clear as to what is intended.

The Examiner's correction of the number of the Ohno et al. parent ("Ohno") is appreciated. That is the document to which the applicants' comments were directed, and the reference to the incorrect patent number was inadvertent. Applicants again emphasize, both here and in Dr. Finestone's declaration, that the Ohno parent clearly is non-analogous art. Ohno is directed to a multi-layer tape product that includes two plastic films and a fabric layer. The plastic layers are adhered to the fabric base by heating the films to over 300°C and then extrusion laminating the heated film to the fabric base. After forming the laminate, a pressure sensitive adhesive is applied to the outer exposed surface of the fabric or one of the plastic layers. While Ohno does disclose the use of a corona discharge treatment, it is only onto the fabric base or onto a non-oriented plastic layer. Furthermore, in Ohno, it is the fabric layer, rather than the plastic layer, that provides strength to the laminate. If the plastic films provided strength, then the resulting laminates would be stiff and not have the necessary feel to imitate a fabric. The resulting tape is not stiff but also lacks strength and is "not usable for applications. . . [such as] for binding packages" (see column 1 line 38 to column 1 line 41). Also, in each case where a plastic layer is used, it is heated as noted above and then subjected to extrusion calendaring for adherence to the fabric base to form the laminate. Thus, the plastic layer cannot be stretched and oriented in the Ohno laminates because the heating step would deleteriously affect the strength properties of such an oriented film or layer. Moreover, even if the plastic layer is somehow stretched while hot, it would likely shrink while cooling to cause warpage in the final laminate. This cannot be tolerated in the product of the present invention. Thus, Ohno does not disclose cold lamination with a water based adhesive, nor

does not remedy any of the deficiencies of the cited Williams et al. patents. For this reason alone, the obviousness rejection has been overcome and should be withdrawn.

The Examiner's comments on paragraph 4 of Dr. Finestone's declaration are not understood. The present specification teaches the skilled artisan the details for carrying out a cold lamination process and the product features of the components of the laminate are recited in the claims. Specifically, the teaching that the plastic film is oriented to increase its strength is reflected by the claim language that recites "an oriented plastic film layer." That the plastic film is energized prior to application of adhesive thereto is reflected by the claim language that recites "plastic film layer having a first corona-discharge treated surface." As noted above, skilled artisans know that a corona discharge treated surface increases the energy of the surface by increasing its dynes (see, e.g., US patent 5,244,702). Finally, the declaration statement that a water-based adhesive is applied to the energized surface of the film is reflected in the claim language that "the first corona-discharge treated surface is adhesively cold laminated to the paper layer." As noted above, the adhesive must contact the treated surface of the film when being joined to the paper layer. Also, applicants are aware of no rule that requires a rule 132 declaration to use the exact same language as the claims when the declaration contains statements that clearly explain the same principles that are defined by the claim terms.

Applicants appreciate the Examiner's comments that the declaration "may prove promising" to applicants. Applicants maintain that the entire application is now in condition of allowance, early notice of which would be appreciated. Should the Examiner not agree with the Applicants' position, then a telephonic interview is respectfully requested prior to further office actions so that any remaining issues can be discussed and resolved to expedite the eventual allowance of this application. The Examiner's cooperation on this point would be appreciated, as applicants are ready and willing to further explain the invention and its differences over the art as necessary.

No fee is believed to be due for this submission. Please charge any required fees to Winston & Strawn Deposit Account No. 501-814.

Respectfully submitted,

Date

10/17/03


Allan A. Fanucci (Reg. No. 30,256)

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